

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

10CV6005(RSW)

Plaintiff,

-against-

NOTICE OF MOTION
FOR SUMMARY
JUDGMENT

THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL MARINO, Tax Id. 873220, Individually and in his Official Capacity, ASSISTANT CHIEF PATROL BOROUGH BROOKLYN NORTH GERALD NELSON, Tax Id. 912370, Individually and in his Official Capacity, DEPUTY INSPECTOR STEVEN MAURIELLO, Tax Id. 895117, Individually and in his Official Capacity, CAPTAIN THEODORE LAUTERBORN, Tax Id. 897840, Individually and in his Official Capacity, LIEUTENANT JOSEPH GOFF, Tax Id. 894025, Individually and in his Official Capacity, SGT FREDERICK SAWYER, Shield No. 2576, Individually and in his Official Capacity, SERGEANT KURT DUNCAN, Shield No. 2483, Individually and in his Official Capacity, LIEUTENANT CHRISTOPHER BROSCART, Tax Id. 915354, Individually and in his Official Capacity, LIEUTENANT TIMOTHY CAUGHEY, Tax Id. 885374, Individually and in his Official Capacity, SERGEANT SHANTEL JAMES, Shield No. 3004, and P.O.'s "JOHN DOE" #1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown) (collectively referred to as "NYPD defendants"), JAMAICA HOSPITAL MEDICAL CENTER, DR. ISAK ISAKOV, Individually and in his Official Capacity, DR. LILIAN ALDANA-BERNIER, Individually and in her Official Capacity and JAMAICA HOSPITAL MEDICAL CENTER EMPLOYEE'S "JOHN DOE # 1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown),

Defendants.
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PLEASE TAKE NOTICE, that upon the annexed Declaration of Brian E. Lee, the affidavit of ISAK ISAKOV, M.D., the accompanying Memorandum of Law, and the exhibits

attached hereto, defendant ISAK ISAKOV, M.D., by his attorneys, IVONE, DEVINE & JENSEN, LLP, will move this Court before the Hon. Robert W. Sweet, at 500 Pearl Street, New York, New York on January 22, 2015, at 12:00 noon, or as soon thereafter as counsel can be heard, for an Order granting the defendant ISAK ISAKOV, M.D. summary judgment dismissing all of the federal claims pleaded against this defendant, pursuant to Rule 56 of the Federal Rules of Civil Procedure upon the ground that there is no “state action” providing jurisdiction for this Court; for a further order granting summary judgment dismissing the claim pleaded for intentional infliction of emotional distress, and for an Order declining to exercise supplemental jurisdiction over plaintiff’s pendent state law claims; and for such other and further relief as may be just and proper

Pursuant to the briefing schedule, opposition papers are due January 15, 2015 and reply papers by January 22, 2015.

Dated: Lake Success, New York
December 22, 2015

Yours, etc.,

IVONE, DEVINE & JENSEN, LLP

/s/ Brian E. Lee

By:

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